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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
6

7 FINJAN, INC.,

8 Plaintiff,

9 v.

10 BLUE COAT SYSTEMS, LLC,

11 Defendant.

Case No. 15-cv-03295-BLF

**ORDER GRANTING BLUE COAT
SYSTEMS LLC'S RENEWED MOTION
TO FILE UNDER SEAL CERTAIN
EXHIBITS IN SUPPORT OF MOTION
TO STRIKE PORTIONS OF EXPERT
REPORTS**

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13 Before the Court is Defendant Blue Coat Systems, LLC's ("Blue Coat") Renewed
14 Administrative Motion to File Under Seal Certain Exhibits in Support of Defendant Blue Coat
15 Systems LLC's Motion to Strike Portions of Expert Reports. ECF 217. For the reasons stated
16 below, the motion is GRANTED.

17 **I. LEGAL STANDARD**

18 "Historically, courts have recognized a 'general right to inspect and copy public records
19 and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of*
20 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435
21 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are
22 "more than tangentially related to the merits of a case" may be sealed only upon a showing of
23 "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
24 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed
25 upon a lesser showing of "good cause." *Id.* at 1097.

26 In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing
27 only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in
28 part must file a declaration establishing that the identified material is "sealable." Civ. L.R. 79-

5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

II. DISCUSSION

The Court has reviewed Blue Coat’s renewed sealing motion (ECF 217) and its declaration in support thereof (ECF 217-1). The Court finds that Blue Coat has articulated compelling reasons and good cause to seal the submitted documents. The Court’s rulings on the sealing request are set forth in the table below:

<u>ECF No.</u>	<u>Document to be Sealed</u>	<u>Result</u>	<u>Reasoning</u>
217-4	Ex. B to Marder Decl. ISO Blue Coat’s Motion to Strike Portions of Expert Reports, ECF 204 (“Marder Decl.”)	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology and confidential aspects of Blue Coat’s business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.
217-6	Ex. C to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology and confidential aspects of Blue Coat’s business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.
217-8	Ex. D to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology and confidential aspects of Blue Coat’s business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.
217-10	Ex. E to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology and confidential aspects of Blue Coat’s business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.


217-12	Ex. G to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat's proprietary technology and confidential aspects of Blue Coat's business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.
217-14	Ex. H to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat's proprietary technology and confidential aspects of Blue Coat's business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.
217-16	Ex. I to Marder Decl.	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat's proprietary technology and confidential aspects of Blue Coat's business, including information relating to source code routines for the accused products and backend systems that are not publicly disclosed. Marder Sealing Decl. ¶¶ 3, 5, ECF 217-1.

III. ORDER

For the foregoing reasons, the renewed sealing motion at ECF 217 is GRANTED.

IT IS SO ORDERED.

Dated: May 9, 2017


BETH LABSON FREEMAN
United States District Judge